

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY D. JAHN,

Plaintiff,

v.

UNITED STATES,

Defendant.

NO. C08-0185RAJ

ORDER

**I. INTRODUCTION**

This matter comes before the court a motion for summary judgment (Dkt. # 6) from the United States (the “Government”). The Government has not requested oral argument, and Plaintiff Timothy Jahn has not responded to the Government’s motion. For the reasons stated below, the court GRANTS the motion.

**II. BACKGROUND & ANALYSIS**

After his vehicle was towed and impounded, Mr. Jahn filed an Impounded Vehicle Hearing Request in King County District Court in December 2007. The request invoked RCW 46.55.120(3), which authorizes a court action to dispute the validity of decision to tow away a motor vehicle, and permits an award of damages if the tow was invalid. Mr.

1 Jahn named the Ravensdale Post Office, a branch office of the United States Postal  
2 Service (“USPS”), as the “Person/Agency Authorizing Impound” on the request form.

3 Because USPS is an “independent establishment of the executive branch of the  
4 Government of the United States,” 39 U.S.C. § 201, the Government removed the towing  
5 dispute to this court. *See* 28 U.S.C. § 1442(a)(1) (authorizing removal of a civil action  
6 against the United States or its agencies). The Government’s evidence establishes that  
7 the Postmaster of the Ravensdale facility initiated the towing of Mr. Jahn’s vehicle  
8 because it was allegedly parked in the facility’s posted employee parking lot.  
9


10 No party can enforce state law against the federal government without  
11 unambiguous congressional permission. *Goodyear Atomic Corp. v. Miller*, 486 U.S. 174,  
12 180 (1988); *Mayo v. United States*, 319 U.S. 441, 445 (1943) (“[T]he activities of the  
13 Federal Government are free from regulation by any state.”). In *Goodyear Atomic*, for  
14 example, the court concluded that Congress had expressly authorized the application of  
15 state workmen’s compensation law against a federally-controlled nuclear power plant.  
16 486 U.S. at 182. Where a plaintiff cannot point to Congressional authorization for  
17 invoking a state law against the federal government, the court must dismiss the action.  
18 *E.g.*, *Parola v. Weinberger*, 848 F.2d 956, 960 (9th Cir. 1988); *United States v. City of St.*  
19 *Paul*, 258 F.3d 750, 753-54 (8th Cir. 2001).  
20

21 Mr. Jahn has pointed to no congressional authorization of the application of RCW  
22 46.55.120(3) against the federal government, and the court is aware of no such authority.  
23 For that reason, the court must dismiss this action. If Mr. Jahn seeks redress for the  
24 USPS’s actions in this case, he must properly invoke federal law.  
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**III. CONCLUSION**

For the reasons stated above, the court GRANTS the Government's motion for summary judgment (Dkt. # 6), DISMISSES this action, and directs the clerk to enter judgment in accordance with this order.

Dated this 1st day of July, 2008.

  
The Honorable Richard A. Jones  
United States District Judge